

1 James F. Basile (SBN 228965)
james.basile@kirkland.com
2 Elizabeth L. Deeley (SBN 230798)
elizabeth.deeley@kirkland.com
3 Adam L. Gray (SBN 262557)
adam.gray@kirkland.com
4 KIRKLAND & ELLIS LLP
555 California Street
5 San Francisco, California 94104
Telephone: (415) 439-1400
6 Facsimile: (415) 439-1500

7 Susan Marie Davies (*Admitted pro hac vice*)
susan.davies@kirkland.com
8 KIRKLAND & ELLIS LLP
655 Fifteenth Street, N.W.
9 Washington, D.C. 20005
Telephone: (202) 879-5000
10 Facsimile: (202) 879-5200

11 Attorneys for Defendant
FACEBOOK, INC.

12
13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**
15

16 SAMBREEL HOLDINGS LLC; YONTOO LLC;
and THEME YOUR WORLD LLC,

17 Plaintiffs,

18 vs.

19 FACEBOOK, INC.,

20 Defendant.

21 CASE NO. 12-CV-00668-CAB-KSC
22

23 **DECLARATION OF ELIZABETH L.
DEELEY IN SUPPORT OF
UNOPPOSED EX PARTE
APPLICATION FOR LEAVE TO FILE
DECLARATIONS IN RESPONSE TO
PLAINTIFFS' REPLY IN SUPPORT OF
MOTION FOR PRELIMINARY
INJUNCTION**

24 Judge: Hon. Cathy Ann Bencivengo
25 Hearing Date: August 9, 2012
26 Hearing Time: 10:00 a.m.
27 Dept.: Courtroom 2
28

1 I, Elizabeth L. Deeley, declare:

2 1. I am an attorney licensed to practice law in the State of California and before this
3 Court, and I am a partner with the law firm of Kirkland & Ellis LLP, attorneys of record for
4 defendant Facebook, Inc. in the above-captioned matter. I have personal knowledge of the following
5 facts and if called to testify as a witness would testify as follows:

6 2. On the morning of August 6, 2012, I emailed Robert Klinck, counsel for the
7 plaintiffs, to notify him that Facebook planned to file an *ex parte* application seeking the Court's
8 leave to file two declarations in response to new assertions that Sambrell raised for the first time in
9 its Reply in support of the motion for a preliminary injunction. I also asked Mr. Klinck if he was
10 available for a phone call to discuss this further. I included copies of the Supplemental Declaration
11 of James E. Hung and the Second Declaration of Jud Hoffman in my email to Mr. Klinck.

12 3. I also called Mr. Klinck and left a voicemail asking him to return my call so that we
13 could discuss Facebook's *ex parte* application.

14 4. Mr. Klinck returned my call today, and we discussed Facebook's proposed
15 application. Mr. Klinck confirmed that plaintiffs do not object to Facebook submitting the two
16 declarations I had sent him and do not object to the Court's consideration of those declarations.

17 I declare under the penalty of perjury that the foregoing is true and correct to the best of my
18 knowledge.

19 Executed this 6 day of August 2012, at San Francisco, California.

20 _____
21 /s/ *Elizabeth L. Deeley*
22 _____
23 Elizabeth L. Deeley
24
25
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CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2012, I electronically filed the foregoing
**DECLARATION OF ELIZABETH L. DEELEY IN SUPPORT OF DEFENDANT'S
UNOPPOSED EX PARTE APPLICATION FOR LEAVE TO FILE DECLARATIONS IN
RESPONSE TO PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR PRELIMINARY
INJUNCTION** with the Clerk of the court using the CM/ECF system which will send notification
of such filing to the e-mail addresses registered, as denoted on the Court's Electronic Mail
Notice List and will be sent by overnight mail delivery to the following:

Daniel Kotchen
KOTCHEN & LOW LLP
2300 M Street NW, Suite 800
Washington, DC 20037

DATED: August 6, 2012

By: /s/ Elizabeth L. Deeley
Elizabeth L. Deeley